

**REMARKS***In the Claims*

Applicant has amended claims 1, 3, 8, 10, 11 and 18, and cancelled claim 16, in response to the Office Action. Applicant has amended claims 4 and 17 to comport with the amendments of their respective base claims. Applicant contends that all amendments are supported by the application as originally filed and thus do not contain new matter.

*Claim Rejections Under 35 U.S.C. § 102*Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Uchiyama (U.S. Pat. 6,172,762).

Applicant has amended claim 1 to recite, in part, “remotely detecting a potential user of the imaging device,” “determining whether the potential user of the imaging device is a likely user of the imaging device in response to remotely detecting the potential user” and “beginning an initialization of the imaging device in response, at least in part, to remotely detecting the potential user and determining that the potential user is a likely user of the imaging device.” Applicant contends that Uchiyama does not determine whether a potential user is a likely user in response to detecting that potential user.

While Uchiyama does initiate a printer in response to detecting approach of a person, Applicant contends that the logic of determining whether that person is likely to use the printer is based on what software application that person starts. *See, e.g.*, Uchiyama, column 5, lines 23-25 (“The computer 20A senses the approach of a user 50 on the basis of a signal from the human body sensor 40 and issues a command to prepare for printing.”); column 6, lines 1-6 (“The present embodiment, unlike the embodiment of FIG. 3 in which a command to prepare for printing is issued only when the key 24 is manipulated, issues a command to prepare printing to the laser beam printer 1 when the user selects an application software which has high frequency of using the printer.”). Thus, the determination in Uchiyama as to whether a potential user is a likely user is based solely on events occurring independently of their detection. Applicant thus respectfully submits that claim 1 is patentably distinct from the cited reference.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and allowance of claim 1.

Claims 1, 2-7 and 18-20

Claims 1, 2-7 and 18-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gonnella, Jr. et al. (U.S. Pat. 6,577,825).

Applicant has amended claim 1 to recite, in part, “remotely detecting a potential user of the imaging device,” “determining whether the potential user of the imaging device is a likely user of the imaging device in response to remotely detecting the potential user” and “beginning an initialization of the imaging device in response, at least in part, to remotely detecting the potential user and determining that the potential user is a likely user of the imaging device.” Applicant contends that Gonnella, Jr. et al. does not determine whether a potential user is a likely user, but merely initiates its image-forming machine in response to one or more sensors being activated without consideration for likelihood of use. *See, e.g.,* Gonnella, Jr. et al., column 7, lines 42-50.

With regard to the Office Action’s assertion that Gonnella, Jr. et al. does disclose determining whether a potential user is a likely user (*See* Office Action, page 4, first paragraph), Applicant notes that the only example given by Gonnella, Jr. et al. with regard to delaying warm-up is in regard to direct access of its image-forming machine and thus cannot teach or suggest the limitation of making that determination in response to remotely detecting a potential user. For example, Gonnella, Jr. et al. discloses delaying the warm-up procedure if an access panel of its image-forming machine is opened, i.e., a direct access of its image-forming machine. *See*, Gonnella, Jr. et al., column 7, lines 14-19. Applicant further contends this indicates a desire to delay operation of its image-forming machine not based on a determination of whether a potential user has been detected and has been determined to be a likely user, but because a sensor indicates that use of the image-forming machine is undesirable or unavailable, e.g., that maintenance is being performed. Applicant thus respectfully submits that claim 1 is patentably distinct from the cited reference. As claims 2-7 depend from and include all limitations of patentably distinct claim 1, these claims are also believed to be allowable.

Applicant has amended claim 18 to recite, in part, “receiving a first signal indicative of a presence of a potential user of an imaging device” and “determining whether the potential user of the imaging device is a likely user of the imaging device in response to

receiving the first signal.” As noted with respect to claim 1, Applicant contends that Gonnella, Jr. et al. does not determine whether a potential user is a likely user of its image-forming machine based on detection of a potential user’s presence or otherwise. Even if Gonnella, Jr. et al.’s delay of operation were considered a determination of likelihood of use, which Applicant denies, the subsequent initiation of its image-forming machine is based on the detection of a second signal independent of the first. Applicant thus respectfully submits that claim 18 is patentably distinct from the cited reference. As claims 19-20 depend from and include all limitations of patentably distinct claim 18, these claims are also believed to be allowable.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and allowance of claims 1, 2-7 and 18-20.

*Claim Rejections Under 35 U.S.C. § 103*

Claims 11 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gonnella, Jr. et al. Claim 16 is cancelled hereby without prejudice or disclaimer.

Applicant has amended claim 11 to recite, in part, “wherein the management facility is adapted to initialize one or more of the imaging devices in response to a predefined criteria,” “wherein the predefined criteria comprises at least whether a sensor indicates detection of a potential user” and “wherein the predefined criteria further comprises an indication of a likelihood that the potential user might desire to use one or more of the imaging devices prior to the potential user accessing the network or any of the imaging devices.”

As noted with respect to claim 1, Applicant contends that Gonnella, Jr. et al. does not determine whether a potential user is a likely user of its image-forming machine without the need for the potential user to access a network coupled to the image-forming machine or the image-forming machine itself. The taking of official notice regarding the networking of imaging devices and the management facility fails to overcome the deficiency of the Gonnella, Jr. et al. reference. Applicant thus respectfully submits that claim 11 is patentably distinct from the cited reference and the taking of official notice, either alone or in combination. As claims 14-15 and 17 depend from and include all limitations of patentably distinct claim 11, these claims are also believed to be allowable.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a), and allowance of claims 11, 14-15 and 17.

Allowable Subject Matter

Applicant acknowledges that claims 3, 8-10, 12 and 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 3, 8 and 10 as suggested by the Examiner and thus contends they are allowable. Applicant has not rewritten claims 9, 12 or 13. Claim 9 depends from claim 8 and thus includes all of the limitations of the base claim. Claims 12 and 13 depend from claim 11. As claim 11 has been shown to be patentably distinct over the cited references, these claims are also believed to be allowable for at least the same reasons as claim 11. Applicant thus respectfully requests reconsideration and withdrawal of the objections, and allowance of claims 3, 8-10, 12 and 13.

CONCLUSION

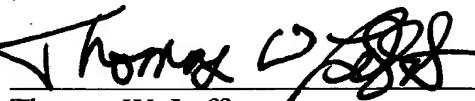
Claims 1, 3, 4, 8, 10, 11, 17 and 18 are amended herein. Claim 16 is cancelled hereby without prejudice or disclaimer. Claims 1-15 and 17-20 are currently pending.

In view of the above remarks, Applicant respectfully submits that the claims are in condition for allowance and requests reconsideration of the application and allowance of all pending claims.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

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